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Typed or printed name: Ellen Huffman

Signature: Ellen Huffman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David B. Wheeler et al.	
Application No.: 09/681,530	Group Art Unit: Unknown
Filed: April 26, 2000	Attorney Docket No.: 800528
Title: System And Method For Determining User Identity Fraud Using Similarity Searching	

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. SECTION 1.47(a)

Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

Dear Sir:

The following Request for Reconsideration of Petition under 37 C.F.R. 1.136(a) is submitted in response to the Decision Refusing Status under 37 CFR 1.47(a) with a mailing date of September 28, 2001. The Office has refused status to the present application on grounds that (1) the petitioner failed to obtain an extension of time for a second month to complete the response to the Notice to File Missing Parts, and (2) the petitioner has failed to establish that the non-joining inventor has been presented with the full application and has refused to sign the declaration.

First, inventor Leury has previously executed an assignment of the provisional application which precedes the present application. MPEP Section 306.01, in relevant part, provides the following:

If an application which claims the earlier filing of a provisional application under 35 U.S.C. 119(e) includes only subject matter which formed a part of the provisional application, an assignment recorded against the provisional application will be effective in the later application . . .

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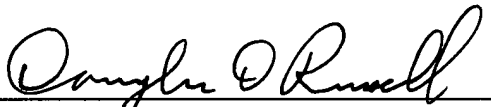
In the present case, the application contains only subject matter present in the provisional application. Therefore, an additional assignment is not necessary. Further, the petitioner has attached correspondence received from inventor Leury which unambiguously reflects his refusal to join in the application. Also, the Declaration of Douglas D. Russell submitted with this request is proof that inventor Leury has received the entire application including all specifications, drawings, and claims. Therefore, the requirements of 37 C.F.R. Section 1.47 do not apply to the present application or, in the alternative, the requirements have been satisfied.

Further, also submitted with this application is a Request for Extension of Time for a second month, which is accompanied by an additional fee. This extension will make the initial submission timely.

Lastly, enclosed is a power of attorney executed by the petitioner in favor of Douglas D. Russell. Further, the power of attorney executed by petitioner in favor of Douglas D. Russell in conjunction with the provisional application is also resubmitted.

Based on the foregoing, petitioner requests that its Petition for Reconsideration under 37 C.F.R. 1.47(a) be granted.

Respectfully submitted,

By: 
Douglas D. Russell
Reg. No. 40,152

Date: October 17, 2001

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Cedar Park, Texas 78613-5909

TAYLOR RUSSELL
AUG 08 2001
& RUSSELL, P.C.

August 2, 2001

Douglas Russell
4807 Spicewood Springs Road
Building One, Suite 1200
Austin, Texas 78759

Dear Douglas Russell,

I have received and reviewed the two patents that require my signature. I've also read the "Assignment of Invention and Patent Application" forms that also require my signature. This letter is to inform you that I do not feel comfortable with signing over 100% rights to both patents. I would like to receive adequate financial compensation before I sign over the patents to InfoGlide. The intellectual property contained in both patents comes from several years of hard work dedicated towards creating a system and method for determining user identity fraud using similarity searching. For such work, I ask that I be compensated \$20,000 for each patent. Once compensation is agreed upon, I will sign over to InfoGlide, 100% rights to both patents.

Sincerely yours,

Paul Leury

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